

It was alleged in the libels that the article was adulterated in that excessive moisture had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation "Wisconsin No. 1," with respect to all the product and the designation "Cheese," with respect to a portion thereof, were false and misleading and deceived and misled the purchaser.

On April 2, 1929, Armour & Co., Minneapolis, Minn., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$2,200, conditioned in part that it should not be sold or disposed of except to a grinder of cheese to be ground under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16958. Adulteration of pistachio nuts. U. S. v. 8 Bags of Pistachio Nuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24278. I. S. No. 021073. S. No. 2513.)

On November 22, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 8 bags of pistachio nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by John Simon Bros., Uniontown, Pa., on or about January 31, 1929, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 12, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16959. Adulteration of walnuts in shell. U. S. v. 6 Bags of Walnuts in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24272. I. S. No. 021072. S. No. 2512.)

On November 22, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 6 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Franklin H. Palmer (Inc.), Boston, Mass., on or about May 1, 1929, and transported from the State of Massachusetts into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 12, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16960. Adulteration of frozen whole eggs. U. S. v. 583 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24186. I. S. No. 024279. S. No. 2434.)

On October 29, 1929, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 583 cans of frozen whole eggs, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Booth Cold Storage Co., from St. Louis, Mo., on or about October 12, 1929, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bowman-Priebe-Ovson Co. Whole-Mixed Chicago, Illinois."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 2, 1929, the Bowman-Priebe-Ovson Co., now by change of name, Ovson Egg Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$10,000, conditioned in part that the cans containing good eggs be segregated from the remainder and the bad portion destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16961. Misbranding of canned tuna fish. U. S. v. 100 Cases of Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F & D. No. 24357. I. S. Nos. 019289, 019290. S. No. 2624.)

On December 16, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cases of canned tuna fish, remaining in the original unbroken packages at Everett, Wash., consigned by Cohn Hopkins (Inc.), San Diego, Calif., in part on October 27, 1929, and in part on November 20, 1929, alleging that the article had been shipped in interstate commerce from San Diego, Calif., into the State of Washington, arriving about November 1, 1929, and November 25, 1929, respectively, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "California Brand * * * Tuna Packed by Cohn Hopkins, Inc., * * * San Diego, Calif., Contents 7 Ounces."

It was alleged in the libel that the article was short weight and misbranded in that the statement "Contents 7 Ounces," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents.

On January 6, 1930, Cohn Hopkins (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be brought into compliance with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16962. Adulteration of cull poultry. U. S. v. 1 Barrel of Cull Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24356. I. S. No. 028687. S. No. 2614.)

On December 16, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of cull poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Vilas & Co., from Storm Lake, Iowa, on or about November 15, 1929, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On January 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16963. Adulteration of scallops. U. S. v. 5 Gallons, et al., of Scallops. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24364, 24365, 24366. I. S. Nos. 028622, 028653, 028654. S. Nos. 2544, 2545, 2546.)

On November 22, 1929, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 20 gallons of scallops at New York, N. Y., alleging that the article had been shipped by the Wallace M. Quinn Co., from New Bedford,